



May 1, 2014

Regional Freedom of Information Officer
U.S. EPA, Region 2
26th Floor
290 Broadway
New York, NY 10007-1866
(212) 637-3668 (Telephone)

RE: FOIA REQUEST FOR COMMUNICATIONS

To whom it may concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the Privacy Act, 5 U.S.C. § 552(a) (collectively, “FOIA”) and Executive Order No. 13392, 70 Fed. Reg. 75,373 (2005), on behalf of Riverkeeper, Inc., I hereby request the following:

Any and all communications (including, but not limited to, emails, letters, filings, and reports – and attachments thereto) sent from or received by USEPA Region 2 from January 1, 2014, to the date this FOIA is issued a control number regarding:

- the “3Ps” (pathogens, pharmaceuticals, endocrine disruptors, and personal care productions) in Newtown Creek;
- whether (and how) those 3Ps are dealt with for the Newtown Creek Superfund site (including but not limited to the Phase 2 Remedial Investigation/Feasibility Study (RI/FS), CSO control, the site remediation work plan, and City/State/EPA sampling) by the EPA or PRPs;
- the rationale (legal or otherwise) for including or excluding the 3Ps from the RI/FS;
- specifically, NYS DEC or DEP communications on the inclusion or exclusion of the 3Ps in the RI/FS or ultimate site remediation; and
- what part CSOs play in the EPA’s goals for Newtown Creek remediation.

This information, vital to the general public interest as well as several ongoing public processes, should not be subject to the FOIA exemption. The material requested specifically concerns **ongoing Superfund remediation work at one of the most significantly toxic sites in New York City**, would clearly, significantly, and immediately contribute to the public’s understanding of government processes and many outstanding applications, and will not be used for any commercial purposes. Riverkeeper hereby requests that access to these documents be granted within twenty (20) working days.

As Riverkeeper, Inc., is a non-profit organization working in the public interest to further open and transparent discourse over issues affecting some the most vulnerable social and environmental regions in the nation, and is seeking this information for the benefit of the public, we ask that you waive any fees associated with this request, or in the alternative, that you inform us if the cost will exceed \$25.00 before sending any documents. If you are able to send the responsive documents via email, please note that my email address is sdixon@riverkeeper.org.

I also request that if you determine that any of the information requested herein is exempt from FOIA, that said information be identified by document, along with the statutory basis for your claim and your reasons for not exercising your discretion to release this information. If your office determines some of the portions of the requested materials are exempt, I request, in accordance with FOIA, that we be provided with the remaining non-exempt portions.

Given that there has been a formal invocation for dispute resolution between the EPA and the Newtown Creek Group, and that Riverkeeper is one of the lead organizations representing the interests of the public in this matter (both as a long-standing member of the community, as a long-running Newtown Creek water quality sampling program, and as a member of the CAG), **I ask that the EPA expedite this request.**

Please direct any correspondence in regards to this FOIA request and request for waiver of fees to me at sdixon@riverkeeper.org or 914-478-4501, ext. 247. Thank you for your understanding and cooperation.

Sincerely,

Sean Dixon, Esq.
Staff Attorney, Hudson River Program
Riverkeeper, Inc.